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12 LIST OF COUNSEL CONTINUED ON SECOND PAGE

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

16 WILLIAM HERESNIAK, on behalf of  
17 himself and all others similarly situated,

18 Plaintiff,

19 vs.

20 ELON R. MUSK, X HOLDINGS I, INC., X  
21 HOLDINGS II, INC., and TWITTER, INC.,

22 Defendants.  
23

CASE NO. 3:22-CV-03074-CRB-SK

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING JOINT CASE  
MANAGEMENT STATEMENT  
DEADLINE**

Judge: Hon. Charles R. Breyer

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1 **STIPULATION AND ~~PROPOSED~~ ORDER**

2 Pursuant to Civil Local Rule 6-2, the Parties jointly request an order continuing the Court's  
3 Joint Case Management Statement deadline. The purpose and intended effect of this stipulation is  
4 to sequence the Joint Case Management Statement date *after* the Court adjudicates any motion to  
5 dismiss Plaintiff's operative second amended complaint. The Parties thus stipulate as follows:

6 WHEREAS, on May 25, 2022, Plaintiff William Heresniak filed the Class Action  
7 Complaint in this matter (Dkt. 1) and on February 1, 2023 filed his Second Amended Complaint  
8 (Dkt. 66);

9 WHEREAS, as previously stipulated and ordered, Defendants have until March 3, 2023 to  
10 respond to the Second Amended Complaint, Plaintiff has until April 3, 2023 to oppose any such  
11 motion and Defendants have until April 18, 2023 to reply in support (Dkt. 54);

12 WHEREAS, Defendants filed motions to dismiss the Second Amended Complaint on  
13 March 3, 2023 and have noticed the Motions for hearing on May 12, 2023;

14 WHEREAS, on November 7, 2022, a Case Management Conference set for February 3,  
15 2023 was vacated and the Parties were ordered to file a Joint Case Management Statement by May  
16 12, 2023 (Dkt. 55);

17 WHEREAS, given the hearing date on the Motions, it is unlikely that Court will rule on  
18 the Motions by the Joint Case Management Statement deadline of May 12, 2023.

19 NOW, THEREFORE, for the purposes of efficiency and judicial economy it is hereby  
20 stipulated by and between the Parties:  
21

- 22 1. The current Joint Case Management Statement deadline (Dkt. 55) shall be vacated  
23 and the Parties shall file a Joint Case Management Statement 14 days after the Court  
24 rules on both Defendants' Motions to Dismiss the Second Amended Complaint.  
25  
26  
27  
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DATED: March 6, 2023

/s/ Joseph C. Sarles

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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Joseph C. Sarles, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 6th day of March, 2023, at Los Angeles, California.

By /s/ Joseph C. Sarles  
Joseph C. Sarles

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: March 7, 2023

By: 

Hon. Charles R. Breyer  
United States District Judge